

1 Q To the best of your ability, this is
2 the contact information for these two
3 gentlemen?
4 A Yes.
5 Q You had that information in 2006,
6 right?
7 A Yes.
8 Q So you would have had it after 2006,
9 also, correct?
10 A That would be hard to say.
11 This could have been in storage.
12 When I had to get out of my apartment, it was in
13 storage, and I did not have access.
14 Q Are there documents that remain in
15 storage that may pertain to anything relating to
16 this case, meaning your employment with Plus One
17 or anything else you discussed in your
18 complaint?
19 A There could be. I have not gone
20 through.
21 I just got into town a few days ago.
22 I have not been able to go all through myself.
23 Q Were you aware documents were
24 requested of you in January 2008?

1 challenging.
2 Q When did you make that search for
3 your tax returns?
4 A I don't know specific dates
5 offhand.
6 Q Give me the best approximation you
7 can.
8 A I can't even do that.
9 Q Where were you living at the time?
10 A September 6?
11 Q No, when you were looking for your
12 tax returns.
13 Where were you living at the time you
14 were looking for your tax returns?
15 A Well, I would be able to let you
16 know, if I knew when I was searching for the tax
17 information.
18 Q So where you were living is not going
19 to help you?
20 A Yes.
21 Q Did you look for your tax returns
22 before the complaint was filed?
23 A Before I filed the E.E.O.C. charge?
24 Q Sure, yes.

39

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1 A Specifically, what documents?
2 Q Any documents?
3 A 2008 of this year?
4 Q Yes, ma'am.
5 A I don't believe there is a request
6 for anything.
7 I mean, I would have to look at my
8 e-mail account. I really have to check my
9 e-mail account.
10 Q At any time since you filed this
11 complaint, did you make a search for documents
12 that might have any bearing on the allegations
13 you made in that complaint?
14 A Did I make a search for documents?
15 Q Yes, ma'am.
16 A I am trying to think.
17 Like what documents would I be
18 searching for?
19 Q Any documents.
20 A Yes, taxes. I know taxes,
21 definitely.
22 Like my tax returns, I don't keep
23 them for the last seven years, so I had to
24 search for tax information, which was kind of

1 41
2 A No.
3 Q Do you know when you filed your
4 complaint in federal court?
5 A No, I don't.
6 Q Are you aware that you filed three
7 different ones?
8 A No.
9 MS. NORCROSS: Mark this as
10 Defendant's Exhibit 8.
11 (Whereupon the above referred
12 to document was marked, Defendant's
13 Exhibit 8, for identification, as of
14 this date, by the reporter)
15 Q Miss Mann, let me hand you what Sandy
16 has marked as Defendant's Exhibit 8. Take as
17 much time as you need to look it over, because
18 when you finish reviewing it, I am going to ask
19 you if you can identify it, okay?
20 A Okay.
21 Q Have you ever seen this before?
22 A Yes, I have.
23 Q When did you see it for the first
24 time, if you remember? You can approximate.
25 A Looking at the date, it must have

1
2 Q Between the 5th and today, did you
3 meet with your attorneys?

4 Don't tell me substance. Just tell
5 me yes or no.

6 A Yes.

7 Q When?

8 A Saturday, August 9.

9 Q And for how long did you meet with
10 your attorneys on Saturday, August 9?

11 A I know it was about at least a half
12 hour.

13 Q Was it more than an hour?

14 A I was not checking my watch. I don't
15 know whether I was in there for an hour.

16 Q Was it more than two hours?

17 A No.

18 Q To prepare for your deposition, did
19 you review any documents?

20 A What I did, I looked at -- not with
21 my lawyer, on my own, I looked at some of my own
22 paperwork by myself. I wanted to make sure I
23 was accurate with giving my answers, and
24 familiar, because this has been going on for
25 quite some time.

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2 Q What papers did you look at?

3 A The E.E.O.C. charge.

4 Q Anything else?

5 A No.

6 I think the charge had the affidavit
7 explaining the whole scenario from April 5 to
8 June.

9 Q The E.E.O.C. charge with the attached
10 statement?

11 A Yes.

12 Q Is there anything else that you
13 reviewed besides that?

14 A Actually, I was jogging my memory to
15 make sure I had an account basis of what
16 happened with Jamie, just the verbal exchange
17 and what happened, the discrimination that took
18 place. I wanted to look at my statement, just
19 to look at it again.

20 Q In addition to that, did you review
21 any other documents?

22 A I don't think so.

23 I can't think of any other. I don't
24 remember if I did.

25 Q When you met with your attorneys to

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1 101

2 definitely got a W-2, so I have to look at my
3 taxes.

4 I know definitely Holiday Temp
5 Services, P.I.C.

6 In terms of employee, I don't
7 remember what else, but it's on my taxes.
8 Definitely employers, I can remember those, too.

9 Q Do you have your tax returns for
10 2006, 2007 -- 2006 and 2007?

11 A I definitely filed them.

12 I am still trying to get my
13 accountant to give me a copy of 2006.

14 Q Who is your accountant?

15 A Steven Laufer.

16 Q Where is Mr. Laufer located?

17 A It's either Englewood or Hackensack,
18 New Jersey.

19 Q When you tried to get these documents
20 from Mr. Laufer, how have you done that?

21 A E-mail, and left phone messages.

22 MS. NORCROSS: Counsel, those
23 are also things that that should have
24 been produced.

25 Q I am going to ask you to search for

26 (Pages 98 to 101)

1 those and provide them to us.

2 MR. UMOH: Take it under
3 advisement.

4 Q When was the last time you tried to
5 contact Mr. Laufer to get your tax returns?

6 A It had to be during my employment
7 while I was in Guam.

8 I know I did not file my taxes for
9 2007 and 2006 until recently. I believe it was
10 even after April 15 of this year. It could have
11 been late spring, early summer.

12 But I know I reached out to him. I
13 sent him a couple of e-mails.

14 He never responded in sending all my
15 tax returns. I never got 2006.

16 Q Did you get 2007?

17 A I know I got part of it. I have to
18 check my e-mail again.

19 He was busy, or whatever.

20 Maybe he was waiting for a payment.

21 Q Was he waiting for a payment?

22 A No, because I had paid him in
23 advance.

24 I submitted it close to -- I don't

1 A Now I remember.

2 What it was, I got an assignment at a
3 company in Brooklyn, but then they had layoffs.
4 They laid me off right after Christmas. So
5 that's why I contacted Holiday Temp Services, to
6 get another job.

7 Q I am sorry.

8 Who laid you off around Christmas?

9 A Novel Box Company.

10 Q Were you employed by Novel Box
11 Company, or were you working for them as an
12 independent contractor?

13 A I am trying to remember if they took
14 taxes out or not. I am not sure about that, but
15 my taxes would have that information.

16 I don't know if I signed a W-4 form
17 or not, but it should be reflected in my taxes.

18 Q I am sorry. I keep being
19 repetitive.

20 Q When did you work for Novel Box?

21 A It was around Christmastime.

22 Q Christmas of what year?

23 A End of 2007 to the beginning of

24 2008.

1 remember when I was able to give him all of the
2 information about my taxes, but I do know that
3 when I submitted all the information to him, he
4 said, Well, you will have to wait, because it's
5 crunch time. He has a lot. Don't worry.

6 He filed an extension for me.

7 Q Where did you do work as an
8 independent contractor since June of 2006?

9 A I know definitely, Linblad
10 Expeditions.

11 Q Anywhere else?

12 A I know that sticks out, because I got
13 paid something substantial in that job. I mean,
14 I know I could have temped, but I don't know if
15 I -- I don't recall actually getting a temp
16 assignment.

17 Again, it's on my taxes.

18 Q What work, if any, did you do for
19 Holiday Temp Services?

20 A They sent me out on a customer
21 service job.

22 Q Just one job?

23 A Yes.

24 Q Is there any reason why --

2 Q How long did you work for them?

3 A It could not have been more than a
4 few months, even if it was that.

5 Q Was it full time or part time?

6 A It was full time.

7 Q How many hours a week?

8 A I think it paid by the hour. It was
9 a project that I was working on.

10 Q So how did you get paid?

11 A By check.

12 Q Did you get paid a set fee for a
13 project?

14 A I am trying to think if I was billing
15 them hours over that.

16 I know it was not a set thing every
17 week, because sometimes they would close the
18 office.

19 Q I don't understand. And we don't
20 have any documents about this.

21 Let me try to figure this out.

22 A Okay.

23 Q You worked for Novel Box the end of
24 2007 to early 2008?

25 A Yes.

1 106
2 Q What did you do for them?
3 A They took me on as a graphic
4 designer.

5 Q And what did you do for them as a
6 graphic designer?

7 A I was editing their jewelry
8 catalogue.

9 Q Were you editing text or graphics?

10 A Both.

11 Q And what was your compensation
12 arrangement with them?

13 A I got paid weekly.

14 Q Did you get paid a set amount weekly,
15 or did it vary?

16 A It varied.

17 Q And what did it vary on?

18 A Whether the office was open or not.

19 Q Did you ever do work at home, or did
20 you do it all at the office?

21 A I worked at home, but I did not get
22 paid for working at home. I did it because I
23 wanted to --

24 Q So if the office was closed, is it
25 accurate you would not get paid, even if you

1 108
2 Q Miss Mann, please look at what the
3 reporter has marked as Exhibit 15. And just let
4 me know when you are finished reviewing it,
5 please?

6 A Okay.

7 Q Have you ever seen that document
8 before?

9 A I don't recall, but I know the
10 information, I have.

11 Q Just so I am clear, I am not asking
12 about the information. I want to know if you
13 have seen that document before.

14 A I don't recall.

15 Q Is there anything that would help you
16 remember?

17 A I can't think of anything at this
18 point that would help me remember.

19 Q You mentioned your e-mails several
20 times. Would your e-mails help you remember?

21 A Looking through some of the
22 information, I know that I have e-mailed some of
23 this information to my lawyer, yes.

24 Q My question is, are there e-mails
25 that would help you remember whether you have

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1 107
2 worked at home while the office was closed; is
3 that correct?
4 A Yes, correct.
5 Q What kind of company is Novel Box?
6 A They probably moved to Jersey by now.
7 That was part of the reason they laid me off.
8 It's a -- you know, when you go to a
9 jewelry store, they are the ones that
10 manufacture the jewelry boxes. They manufacture
11 some in there warehouse and they actually buy
12 from manufacturers in China. They do a little
13 bit of both.

14 Q Do they buy the boxes and then put
15 designs on them?

16 A They do that, as well.

17 MS. NORCROSS: I have to take
18 a five-minute break.

19 (Discussion off the record)

20 MS. NORCROSS: Mark this as
21 Defendant's Exhibit 15.

22 (Whereupon the above referred
23 to document was marked, Defendant's
24 Exhibit 15, for identification, as of
25 this date, by the reporter)

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1 109
2 seen this document before?
3 A Not that I can recall, not

4 specifically. Not a specific e-mail, but I know
5 I had e-mailed this information to --

6 Q Again, I am not talking about the
7 information; I am talking about the document.

8 A There is no one specific e-mail that
9 could make me pinpoint this document.

10 Q Where were you physically located by
11 city, state, country, whatever, on June 16,
12 2008?

13 A I was in Guam.

14 Q If you had received this document on
15 or about June 16, would that have been -- would
16 that be reflected in an e-mail you got?

17 A There are a bunch of e-mails. I
18 don't know.

19 Q Look, we have limited time. So what
20 I am trying to do, I am asking you to try to
21 answer the questions I am asking.

22 My question is, if you had seen this
23 document before, would it have been e-mailed to
24 you, do you think?

25 A Possibly. I have to check my

1
2 MR. UMOH: We showed up at
3 1:00, and we were sitting downstairs
4 for a half hour.

5 MS. NORCROSS: I came in at
6 1:00, and there was no one there.

7 MR. UMOH: Off the record.

8 (Discussion off the record)

9 MR. UMOH: This is Plaintiff's
10 counsel. And we are in the middle of
11 the deposition, and we would like the
12 judge to resolve it, if possible.

13 THE LAW CLERK: The judge is
14 not available now.

15 MR. UMOH: The judge allocated
16 10 hours for the deposition today and
17 an unspecified amount tomorrow.

18 MS. NORCROSS: We have the
19 judge's order. It has to do with the
20 hour allocation, is the best I
21 understand this.

22 The judge ordered 10 hours of
23 deposition time today and then
24 additional time tomorrow morning,
25 depending upon when Miss Mann needs

1
2 Plaintiff has been produced so far
3 for seven hours of deposition.

4 We feel the deposition with
5 Plus One is concluded.

6 MS. NORCROSS: We have the
7 court reporter here. The actual
8 deposition time has been something
9 just under six hours, but call it
10 six.

11 My intent at this point is to
12 finish up one line and then let
13 Mr. Derschowitz start. We are going
14 to be going until whenever.

15 THE LAW CLERK: The judge is
16 on the bench.

17 I can't give you a ruling on
18 this. I am only the law clerk, and
19 not the appointed judge.

20 But my reading of the letter
21 is that the plaintiff is to be
22 questioned for 10 hours, and I am
23 sure the judge would say that does
24 not include a lunch brake.

25 So we can call you back when

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2 to leave for her flight to Singapore.

3 And we resolved earlier this
4 morning, she needs to leave about
5 12:30, which is fine.

6 The issue that has arisen is
7 Plaintiff's counsel believes that --
8 he is concerned about the allocation
9 of deposition time between me, as
10 counsel for two of the Defendants,
11 and Harold, as counsel for the other
12 two.

13 I have taken six hours of
14 deposition. We have been here for
15 approximately seven. There was a
16 one-hour lunch break.

17 What Mr. Umoh is suggesting is
18 that the one-hour lunch brake counts
19 towards my seven hours, which I have
20 explained to him is contrary even to
21 the comments in the federal rule
22 book.

23 THE LAW CLERK: Mr. Umoh, is
24 that correct?

25 MR. UMOH: That is correct.

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1 she is off the bench.

2 MR. UMOH: One defendant may
3 depose her for 10 hours?

4 THE LAW CLERK: My reading of
5 the letter, the letter said plaintiff
6 may be questioned for 10 hours on
7 August 12.

8 MS. NORCROSS: The only thing
9 we don't seem able to agree on, we
10 are in the Lester Schwab offices.

11 THE LAW CLERK: If I were you
12 guys, I would try to resolve this
13 before the judge calls you back.

14 But give me a call back in a
15 few minutes if you would like to
16 speak to the judge.

17 MS. NORCROSS: Thank you.
18 Off the record.

19 (Discussion off the record)

20 MS. NORCROSS: There is an
21 Exhibit that was just marked as 22
22 that should be marked as 23.

23 Mark this as Defendant's
24 Exhibit 24.

1
2 doctor or social worker, psychiatrist, or
3 something else?

4 A If I can recall correctly, she was a
5 licensed clinical social worker.

6 Q Were you referred to her by
7 anybody?

8 A No. I looked her up in the health
9 insurance company website.

10 Q Where was her office?

11 A I saw her on 11th Street. It was a
12 street in the Village.

13 Q In Manhattan?

14 A Yes, in Manhattan.

15 Q When you first saw her, what were
16 your complaints?

17 A My complaints, just the emotional
18 distress I was going through, based on my
19 discrimination at Plus One.

20 Q When was the first time you saw
21 her?

22 A From what I recall, late April. But
23 it should be reflected in the health insurance
24 records.

25 Q I have no records. I have to go by

215
2 what you say, at this point.

3 A Sure. From what I can recall, it
4 must have been late April, maybe the third
5 week.

6 Q Was it after the incidents you
7 described earlier with Mr. MacDonald taking
8 place?

9 A Yes.

10 Q What, exactly, did you tell her was
11 bothering you? What were your symptoms or your
12 complaints?

13 A Well, obviously it was very apparent
14 I showed a lot of anger. I was depressed,
15 frustrated. I felt powerless and just basically
16 ill at ease.

17 I had problems sleeping. I was very
18 anxiety ridden. I was very jumpy, especially
19 because I felt my job was on the line, getting
20 fired.

21 Yes, I was definitely not in the best
22 of shape.

23 And I had digestive issues, too, just
24 a lot of stomach cramps. And then I was getting
25 headaches.

1
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2 Q Had you ever felt these symptoms at
3 any time prior to your first visit to Miss
4 Buck?

5 A You mean -- well, I have experienced
6 those emotions throughout my lifetime.

7 Q When was the most recent?

8 Well, did you ever receive treatment
9 for these symptoms?

10 A Yes. That's why I was going to Miss
11 Buck and Marlene.

12 And I was confiding a lot in my
13 pastor at the time.

14 Q You told me the first time you saw
15 anyone about your situation at work was in late
16 April, when you saw Miss Buck, correct?

17 A Yes.

18 Q You just gave me a list of physical
19 complaints you mentioned to Miss Buck on your
20 first visit.

21 Had you ever been treated for those
22 symptoms or complaints before that?

23 A By a medical doctor?

24 Q By anybody.

25 A Yes, I have had headaches before,

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1
217
2 where I have taken Tylenol, throughout my
3 lifetime.

4 Maybe in my early twenties, I went to
5 the doctor and said, I have a stomachache, but I
6 have never taken any medication. I always try
7 to go the natural route.

8 Q Is it fair to say you have not seen
9 any medical providers or hospitals or doctors
10 for any of the complaints made to Miss Buck at
11 the end of April '06?

12 A I was just relying on my peers in
13 terms of telling me what herbal supplements to
14 take.

15 I went to nutritional school, as
16 well.

17 I believe in alternative health so I
18 was doing my own research.

19 Q What were you taking?

20 A If I had headaches, I am trying to
21 think what I was taking. I would take Ginger.

22 I would take this thing like a colon
23 collection. It would be a mixture of herbal
24 supplements into one.

25 Then also, for the headaches, there

1 is peppermint oil, and rub them on my temples.

2 Q Had you experienced these headaches
3 or stomach problems before April of '06, when
4 you saw Miss Buck?

5 A I had experienced those problems
6 throughout my lifetime.

7 Well, not consistent throughout my
8 lifetime. It was not a chronic problem.

9 Q Periodically?

10 A Yes. Once in a blue moon, I would
11 have a headache.

12 I have never been hospitalized.

13 Q What did Miss Buck do for you? I
14 don't want to know what she told you. What did
15 she do for you on your first visit?

16 A From what I recall, on the first
17 visit, a lot of it was intake. She was like,
18 okay, why are you here?

19 A lot of times she was asking
20 information for clarification and trying to find
21 out, why did I go and see her.

22 Q Did she prescribe any medication to
23 you or recommend that you see any other persons
24 or doctors or therapists at that point?

1 Q For how long a time period?

2 A It had to coincide with when my
3 insurance ended. I think it was the same week
4 that I was no longer insured, health insurance,
5 by Plus One; so I am thinking I ended seeing her
6 by June 16, 2006.

7 Q And how many times, in total, did you
8 see her?

9 A I am taking a guess, about 10.

10 Q Did she do anything different for you
11 on the other nine times you saw her than the
12 first time you saw her? Did she just do intake,
13 listen to what you were saying?

14 MR. UMOH: Objection.

15 Q You tell me.

16 A Her strategy seemed consistent.

17 I mean, she would ask me questions,
18 and she would offer questions as to, like post
19 different scenarios and try to get me to look at
20 different things about myself.

21 Q Do you have any pending appointments
22 with her?

23 A No, I don't have any.

24 Q Who is the next person you saw after

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2 A I don't recall if she did.

3 I know if she recommended me to take
4 medication, I would have flatly out denied it.

5 Q I am just interested in what you
6 recall.

7 A Sure. Miss Buck did not; but I know
8 Marlene did suggest, yes.

9 Q To your knowledge, she did not
10 recommend any medication.

11 She did not refer you to anyone
12 else?

13 A No, because I had to stop seeing her
14 because my insurance ran out.

15 MR. DERSCHOWITZ: I move to
16 strike the portion that's not
17 responsive.

18 Q Did she prescribe you any medication
19 or refer you to anybody after your first
20 visit?

21 A No.

22 Q How many times did you see Miss
23 Buck?

24 A An average of once a week. I think
25 one time I saw her twice a week.

1 Miss Buck?

2 A I believe that was Marlene
3 Friedman.

4 Q And does she have a specialty?

5 A I don't know her specialty.

6 Q Is she a doctor?

7 A I don't know if she is a
8 psychiatrist. She could be a licensed clinical
9 social worker.

10 I don't know how they do it with the
11 classifications of psychotherapist.

12 Q Do you know if she has an M.D. after
13 her name?

14 A That's a good question. I don't
15 know.

16 Q Did anyone refer you to her?

17 A No.

18 Q How did you find her?

19 A Through health insurance on the
20 website.

21 Q When was the first time you saw
22 her?

23 A I don't recall the first day or time.
24 But I know when I did see her, it was warm